

(f) If a sponsor or other public agency shows that it is legally able to prevent the future erection or creation of obstructions in the runway clear zone area, and adopts protective measures to prohibit their future erection or creation, that showing is acceptable for the purposes of paragraphs (d) and (e) of this section in place of an adequate property interest (except for rights required for removing existing obstructions). In such a case, there must be an agreement between the FAA and the sponsor for removing or marking or lighting (to be determined in each case) any existing obstruction to air navigation. In each case, the sponsor must furnish information as to the specific height limitations established and as to the current and foreseeable future use of the property to which they apply. The information must include an acceptable legal opinion of the validity of the measures adopted, including a conclusion that the height limitations are not unreasonable in view of current and foreseeable future use of the property, and are a reasonable exercise of the police power, together with the reasons or basis supporting the opinion.

(g) The authority exercised by the Administrator under paragraphs (b), (c), (d), and (e) of this section to allow a deviation from, or the extent of conformity to, standard configuration or length of runway clear zones, or to determine the adequacy of property interests therein, is also exercised by Regional Directors.

[Doc. No. 1329, 27 FR 12350, Dec. 13, 1962, as amended by Amdt. 151-22, 33 FR 8267, June 4, 1968; Amdt. 151-25, 33 FR 14535, Sept. 27, 1968]

§ 151.13 Federal-aid Airport Program: Policy affecting landing aid requirements.

(a) *Landing aid requirements.* No project for developing or improving an airport may be approved for the Program unless it provides for acquiring or installing such of the following landing aids as the Administrator determines are needed for the safe and efficient use of the airport by aircraft, considering the category of the airport and the type and volume of traffic using it:

(1) Land needed for installing approach lighting systems (ALS).

(2) In-runway lighting.

(3) High intensity runway lighting.

(4) Runway distance markers.

For the purposes of this section "approach lighting system (ALS)" is a standard configuration of aeronautical ground lights in the approach area to a runway or channel to assist a pilot in making an approach to the runway or channel.

(b) *Specific landing aid requirements.* The landing aids set forth in paragraphs (a) (1) through (4) of this section are required for the safe and efficient use of airports by aircraft in the following cases:

(1) Lands for installing approach lighting systems are required as part of a project if the installing of the components of the system on the airport is in an approved FAA budget, unless the sponsor has already acquired the land necessary for the system or is otherwise undertaking to acquire that land. If the sponsor is otherwise undertaking to acquire the land, the grant agreement for the project must obligate the sponsor to complete the acquisition within a time limit prescribed by the Administrator. The Administrator immediately notifies a sponsor when a budget is approved providing for installing an approach lighting system at the airport concerned.

(2) In-runway lighting is required as part of a project:

(i) If the project includes:

(a) Construction of a new runway designated by the FAA as an instrument landing runway for which the installation of an IFR precision approach system including ALS and ILS, has been programed by the FAA with funds then available therefor;

(b) An extension of 3,000 feet or more (usable for landing purposes) of the approach end of a designated instrument landing runway equipped, or programed by the FAA, with funds then available therefor, to be equipped, with an IFR precision approach system including ALS and ILS;

(c) Reconstruction of a designated instrument landing runway equipped, or programed by the FAA, with funds then available therefor, to be equipped with an IFR precision approach system

including ALS and ILS, if the reconstruction requires the closing of the runway; or

(d) Any other airport development on an airport whose designated instrument landing runway is equipped, or programed by the FAA, with funds then available therefor, to be equipped with an IFR precision approach system including ALS and ILS; and

(ii) Only if a study of the airport shows that in-runway lighting is required for the safe and efficient use of the airport by aircraft, after the Administrator considers the following:

(a) The type and volume of flight activity;

(b) Other existing or planned navigational aids;

(c) Airport environmental factors such as local weather conditions and adjacent geographic profiles;

(d) Approach and departure paths;

(e) Effect on landing and takeoff minima; and

(f) In the case of projects under paragraph (b)(2)(i)(d) of this section, whether installing in-runway lighting requires closing the runway for so long a time that the adverse effect on safety of its closing would outweigh the contribution to safety that would be gained by the in-runway lights or whether it would unduly interfere with the efficiency of aircraft operations.

(3) High intensity runway edge lighting on the designated instrument landing runway is required as a part of a project whenever that runway is equipped or programed for the installation of an ILS and high intensity runway edge lights are not then installed on the runway or included in another project. A project for extending a runway that has high intensity runway edge lights on the existing runway requires, as a part of the project, the extension of the high intensity runway edge lights.

(4) Runway distance markers whose design standards have been approved and published by the FAA are required as a part of a project on a case-by-case basis if, after reviewing the pertinent facts and circumstances of the case, the Administrator determines that

they are needed for the safe and efficient use of the airport by aircraft.

[Doc. No. 1329, 27 FR 12350, Dec. 13, 1962, as amended by Amdt. 151-3, 28 FR 12613, Nov. 27, 1963; Amdt. 151-33, 34 FR 9708, June 21, 1969]

§ 151.15 Federal-aid Airport Program: Policy affecting runway or taxiway remarking.

No project for developing or improving an airport may be approved for the Program unless it provides for runway or taxiway remarking if the present marking is obliterated by construction, alteration or repair work included in a FAAP project or by the required routing of construction equipment used therein.

[Amdt. 151-17, 31 FR 16524, Dec. 28, 1966]

Subpart B—Rules and Procedures for Airport Development Projects

AUTHORITY: 49 U.S.C. 106(g), 40113, 47151, 47153.

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EDITORIAL NOTE: For miscellaneous technical amendments to this subpart B, see Amdt. 151-11, 31 FR 6686, May 5, 1966.

§ 151.21 Procedures: Application; general information.

(a) An eligible sponsor that desires to obtain Federal aid for eligible airport development must submit to the Area Manager of the area in which the sponsor is located (hereinafter in this part referred to as the “Area Manager”), a request on FAA Form 5100-3, accompanied by—

(1) The sponsor’s written statement as to whether the proposed project involves the displacement and relocation of persons residing on land physically acquired or to be acquired for the project development; and

(2) The sponsor’s written assurance, if the project involves displacement and relocation of such persons, that adequate replacement housing will be available or provided for (built, if necessary), without regard to their race, color, religion, sex, or national origin, before the execution of a grant agreement for the project.